

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

VALINDA CHAPPELL, individually and )  
for a class of similarly situated individuals, )  
  )  
  )  
Plaintiff,                                    )  
  )  
  )  
v.   ) 2:11-cv-1315-PWG  
  )  
  )  
CITY OF BIRMINGHAM, ALABAMA,        )  
  )  
  )  
Defendant.                                )

**MEMORANDUM OF OPINION**

On June 7, 2011, the Magistrate Judge's Findings and Recommendation was filed. No objections have been filed by either the plaintiff or defendant pursuant to Rule 72(b) of the *Federal Rules of Civil Procedure*.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, plaintiff's motion to voluntarily dismiss with prejudice (doc. #8) is due to be GRANTED and defendant's motion to dismiss, or alternatively, for judgment on the pleadings (doc. #5), is due to be deemed MOOT. A final judgment will be entered.

As to the foregoing it is SO ORDERED this the 6<sup>th</sup> day of July, 2011.

  
**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**